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71ST CONGRESS
1ST SESSION

H. R. 702

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1929

Mr. HAWLEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed

A BILL

✓ Authorizing J. C. Ten Brook, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Columbia River at or near Astoria, Oregon, to connect Roosevelt Military Highway in Oregon with Washington Ocean Beach Highway.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in order to facilitate interstate commerce, improve the
4 postal service, and provide for military and other purposes:
5 J. C. Ten Brook, his successors and assigns (or his heirs,
6 legal representatives, and assigns), be, and is hereby, au-
7 thorized to construct, maintain, and operate a bridge and
8 approaches thereto across the Columbia River, at a point

1 suitable to the interests of navigation, at or near Astoria,
2 Oregon, in accordance with the provisions of the Act entitled
3 "An Act to regulate the construction of bridges over navi-
4 gable waters," approved March 23, 1906, and subject to
5 the conditions and limitations contained in this Act.

6 SEC. 2. There is hereby conferred upon J. C. Ten
7 Brook, his successors and assigns (or his heirs, legal repre-
8 sentatives, and assigns), all such rights and powers to enter
9 upon lands and to acquire, condemn, occupy, possess, and use
10 real estate and other property needed for the location, con-
11 struction, operation, and maintenance of such bridge and its
12 approaches as are possessed by railroad corporations for rail-
13 road purposes or by bridge corporations for bridge purposes
14 in the State in which such real estate or other property is
15 situated, upon making just compensation therefor, to be
16 ascertained and paid according to the laws of such State, and
17 the proceedings therefor shall be the same as in the con-
18 demnation or expropriation of property for public purposes
19 in such State.

20 SEC. 3. The said J. C. Ten Brook, his successors and
21 assigns (or his heirs, legal representatives, and assigns), is
22 hereby authorized to fix and charge tolls for transit over
23 such bridge, and the rates of toll so fixed shall be the legal
24 rates until changed by the Secretary of War under the
25 authority contained in the Act of March 23, 1906.

1 SEC. 4. After the completion of such bridge, as deter-
2 mined by the Secretary of War, either the State of Oregon,
3 the State of Washington, any public agency or political sub-
4 division of either of such States, within or adjoining which
5 any part of such bridge is located, or any two or more of
6 them jointly, may at any time acquire and take over all
7 right, title, and interest in such bridge and its approaches,
8 and any interest in real property necessary therefor, by
9 purchase or by condemnation or expropriation, in accordance
10 with the laws of either of such States governing the acqui-
11 sition of private property for public purposes by condemna-
12 tion or expropriation. If at any time after the expiration of
13 three years after the completion of such bridge the same is
14 acquired by condemnation or expropriation, the amount of
15 damages or compensation to be allowed shall not include good
16 will, going value, or prospective revenues or profits, but shall
17 be limited to the sum of (1) the actual cost of constructing
18 such bridge and its approaches, less a reasonable deduction
19 for actual depreciation in value; (2) the actual cost of acquir-
20 ing such interests in real property; (3) actual financing and
21 promotion costs, not to exceed 10 per centum of the sum of
22 the cost of constructing the bridge and its approaches and
23 acquiring such interests in real property; and (4) actual
24 expenditures for necessary improvements.

1 SEC. 5. If such bridge shall at any time be taken
2 over or acquired by the States or public agencies or political
3 subdivisions thereof, or by either of them, as provided in
4 section 4 of this act, and if tolls are thereafter charged for
5 the use thereof, the rates of toll shall be so adjusted as to
6 provide a fund sufficient to pay for the reasonable cost of
7 maintaining, repairing, and operating the bridge and its
8 approaches under economical management, and to provide
9 a sinking fund sufficient to amortize the amount paid there-
10 for, including reasonable interest and financing cost, as soon
11 as possible under reasonable charges, but within a period
12 of not to exceed three years from the date of acquiring
13 the same. After a sinking fund sufficient for such amortiza-
14 tion shall have been so provided such bridge shall thereafter
15 be maintained and operated free of tolls, or the rates of
16 toll shall thereafter be so adjusted as to provide a fund of
17 not to exceed the amount necessary for the proper main-
18 tenance, repair, and operation of the bridge and its
19 approaches under economical management. An accurate
20 record of the amount paid for acquiring the bridge and its
21 approaches, the actual expenditures for maintaining, repair-
22 ing, and operating the same, and of the daily tolls collected,
23 shall be kept and shall be available for the information of all
24 persons interested.

1 SEC. 6. The said J. C. Ten Brook, his successors and
2 assigns (or his heirs, legal representatives, and assigns),
3 shall within ninety days after the completion of such bridge
4 file with the Secretary of War and with the highway
5 departments of the States of Oregon and Washington, a
6 sworn itemized statement showing the actual original cost
7 of constructing the bridge and its approaches, the actual
8 cost of acquiring any interest in real property necessary
9 therefor, and the actual financing and promotion costs. The
10 Secretary of War may, and upon request of the highway
11 department of either of such States shall, at any time within
12 three years after the completion of such bridge, investigate
13 such costs and determine the accuracy and the reason-
14 ableness of the costs alleged in the statement of costs so filed,
15 and shall make a finding of the actual and reasonable costs
16 of constructing, financing, and promoting such bridge; for
17 the purpose of such investigation the said J. C. Ten Brook,
18 his successors and assigns (or his heirs, legal representatives,
19 and assigns), shall make available all of its records in con-
20 nection with the construction, financing, and promotion
21 thereof. The findings of the Secretary of War as to the
22 reasonable costs of the construction, financing, and promo-
23 tion of the bridge shall be conclusive for the purposes men-
24 tioned in section 4 of this Act, subject only to review in
25 a court of equity for fraud or gross mistake.

1 SEC. 7. The right to sell, assign, transfer, and mortgage
 2 all the rights, powers, and privileges conferred by this Act
 3 is hereby granted to J. C. Ten Brook, his successors and
 4 assigns (or his heirs, legal representatives, and assigns),
 5 and any corporation to which or any person to whom such
 6 rights, powers, and privileges may be sold, assigned, or
 7 transferred, or who shall acquire the same by mortgage
 8 foreclosure or otherwise, is hereby authorized and em-
 9 powered to exercise the same as fully as though conferred
 10 herein directly upon such corporation or person.

11 SEC. 8. The right to alter, amend, or repeal this Act
 12 is hereby expressly reserved.

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Bridge - at Astoria